

Message Text

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62

ACTION EUR-25

INFO OCT-01 IO-14 ISO-00 PM-07 NSC-10 SPC-03 SS-20 RSC-01

CIAE-00 COME-00 EB-11 INR-10 LAB-06 NSAE-00 SIL-01

DODE-00 PA-04 USIA-15 PRS-01 NIC-01 DRC-01 /131 W

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R 141759Z DEC 73

FM AMEMBASSY MADRID

TO SECSTATE WASHDC 7531

INFO AMEMBASSY BONN

AMEMBASSY COPENHAGEN

AMEMBASSY THE HAGUE

AMEMBASSY LISBON

AMEMBASSY LONDON

AMEMBASSY PARIS

AMEMBASSY ROME

AMEMBASSY STOCKHOLM

AMEMBASSY VIENNA

USEC BRUSSELS 734

USMISSION GENEVA

C O N F I D E N T I A L MADRID 7429

E.O. 11652: N/A

TAGS: ELAB, PINT, SP

SUBJ: FORTHCOMING "CARABANCHEL TEN" TRIAL

REF: A) MADRID 6398, B) MADRID 7353

BEGIN SUMMARY: CONVOCAION OF "CARABANCHEL TEN" TRIAL
FOR DECEMBER 20 WAS BIG SURPRISE TO DEFENSE LAWYERS, WHO
EXPECTED IT TO BE HELD IN JANUARY. POSSIBLE REASONS FOR
THIS DATE INCLUDE COMMENCEMENT OF STUDENT AND WORKER
VACATION PERIOD WHICH MIGHT MAKE STRIKES AND PROTESTS LESS
LIKELY, BUSY WEEK NEXT WEEK WITH VARIOUS OTHER DEVELOPMENTS
WHICH MIGHT TAKE ATTENTION AWAY FROM TRIAL, DESIRE TO GET
TRIAL OVER WITH BEFORE JANUARY ILO REGIONAL CONFERENCE,
ITS RELATIONSHIP THROUGH PRIES INVOLVED WITH
TEMPORARY RESPITE IN ZAMORA PRIESTS EPISODE, AND
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POSSIBILITY IT MIGHT BE TIMED TO COINCIDE WITH RUMORED
POSSIBLE YEAR-END ANMESTY BY FRANCO WHICH WOULD THEN
SUBSTANTIALLY REDUCE SENTENCES. END SUMMARY.

1. CONVOCAION, ANNOUNCED DEC 12, OF "CARABANCHEL TEN" OR "1001 CASE" TRIAL OF WORKER COMMISSION LEADERS FOR DECEMBER 20, CAUGHT COALITION OF OPPOSITION LAWYERS WHO DEFENDING MARCELINO CAMACHO AND OTHER DEFENDENTS BY SURPRISE. ON MORNING OF DECEMBER 12, DAILY "YA" HAD EVEN CARRIED ARTICLE STATING TRIAL WOULD PROBABLY BE HELD DURING LAST HALF OF JANUARY. DEFENSE LAWYERS BELIEVED TRIAL WOULD NOT BE HELD ANY EARLIER THAN JANUARY 8, DUE TO (1) DELAYING TACTICS WHICH GIL ROBLES FAMILY HAD BEEN MAINTAINING SINCE SEPTEMBER ON BASIS OF LEGAL TECHNICALITIES IN CASE OF THEIR CLIENT, FATHER FRANCISCO GARCIA SALVE (THE PRIEST AMONG "CARABANCHEL TEN"), AND (2) AN INFORMAL COMMITMENT WHICH JOAQUIN RUIZ GIMENEZ, WHO IS DEFENDING CAMACHO, HAD REPORTEDLY SECURED FROM PRESIDENT OF THE COURT OF PUBLIC ORDER THAT "1001 CASE" WOULD NOT BE BROUGHT TO TRIAL DURING XMAS HOLIDAY SEASON.

2. CONFUSION STILL SURROUNDS FATHER GARCIA SALVE WHO IS ALSO ONE OF SIX HUNGER STRIKE PRIESTS AT ZAMORA PRISON (WHERE HE WAS TRANSFERRED EARLIER THIS YEAR). HE HAS NOW BEEN ORDERED TRANSFERRED BACK TO CARABANCHEL PRISON IN MADRID TO STAND TRIAL WITH OTHER NINE IN "1001 CASE", ALTHOUGH TRANSFER HAS APPARENTLY NOT YET BEEN EFFECTED. THERE IS PERSISTENT RUMOR THAT, AS RESULT LENGTHY HUNGER STRIKE, HE WAS NEAR DEATH AND IS NOW BEING FED INTRAVENOUSLY. HIS OWN LAWYERS: I.E., GIL ROBLES FAMILY, HAVE NOT BEEN ALLOWED TO SEE HIM IN RECENT DAYS AT ZAMORA. INTERESTINGLY, ACCORDING TO JAIME GIL ROBLES, PRESIDENT OF PUBLIC ORDER COURT SOME WEEKS AGO MADE INDIRECT AND INFORMAL OFFER ON BEHALF OF GOVERNMENT TO GIL ROBLES FAMILY TO DROP CASE AGAINST FATHER GARCIA SALVE ALTOGETHER, BUT GIL ROBLES' REFUSED OFFER UNLESS CHARGES WERE DROPPED AGAINST ALL TEN DEFENDANTS, WHICH AUTHORITIES REFUSED TO CONSIDER. (COMPLETE ACQUITTAL OF ALL TEN DEFENDENTS IS THE COURT ROOM OBJECTIVE OF DEFENSE LAWYERS.)

3. ONE OF RUIZ GIMENEZ' LAWYER ASSOCIATES INFORMED LABATT THAT FORMER US ATTORNEY GENERAL RAMSEY CLARK, ONE OF PRINCIPAL CONFIDENTIAL

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PERSONAGES ON AMERICAN "1001 CASE " COMMITTEE (SEE REF A) PAID ONE DAY VISIT TO MADRID DECEMBER 12-13, WHERE HE HAD LUNCH WITH RUIZ GIMENEZ AND GIL ROBLES ON DECEMBER 13 AND ALSO HAD CONTACT WITH PCE MEMBER AND LAWYER JAIME SARTORIUS (COUSIN OF NICOLAS SARTORIUS, ONE OF PRINCIPAL "CARABANCHEL PCE DEFENDANTS). CLARK DID NOT SEEK ANY CONTACT WITH EMBASSY WHILE HERE. NOT KNOWN WHETHER HE MIGHT RETURN TO SPAIN TO SEEK ATTEND DECEMBER 20 TRIAL AS OBSERVER, BUT THIS DISTINCT POSSIBILITY, PARTICULARLY IF HE CURRENTLY ELSEWHERE IN EUROPE.

4. COMMENT: POSSIBLE REASONS WHY GOVERNMENT CHOSE DECEMBER 20 TO BRING "CARABANCHEL TEN" CASE TO TRIAL AFTER 1-1/2 YEARS DETENTION INCLUDE A) FACT THAT BY DECEMBER 20 CURRENTLY

VOLATILE UNIVERSITY STUDENTS WILL BE DISPERSED ON CHRISTMAS VACATIONS AND WORKERS WILL BE COMMENCING HOLIDAYS, THUS MAKING STUDENT-LABOR REACTIONS AND PROTEST DISTURBANCES MORE DIFFICULT, COMBINED WITH EXPECTATION SENTENCES WILL BE ANNOUNCED BETWEEN XMAS AND NEW YEAR'S WHEN SHARP DOMESTIC AND INTERNATIONAL REACTION LESS LIKELY DUE HOLIDAY SEASON; B) FACT WEEK PRECEDING XMAS WILL BE POLITICALLY BUSY AND IMPORTANT, AS REFLECTED BY CORTES PLENARY ON 18TH, CONTROVERSIAL BAR ASSOCIATION ELECTIONS(WITH RUIZ GIMENEZ HEADING OPPOSITION SLATE) ON 19TH, "1001 CASE" COMMENCING ON 20TH, AND KISSINGE VISIT ON 21ST, AND THEREFORE THE OTHER PROMINENT EVENTS MAY KEEP SPANIARDS' ATTENTION FROM FOCUSING UNDULY ON "CARABANCHEL TEN" TRIAL; C) DESIRE OF GOVERNMENT TO GET "1001 CASE " OVER WITH WELL IN ADVANCE OF JANUARY ILO EUROPEAN REGIONAL CONFERENCE, WHERE "CARABANCHEL TEN" AND LABOR SITUATION IN SPAIN MAY BE BROUGHT UP; D) DESIRE BY GOVERNMENT FOR AT LEAST TEMPORARY RESPITE ON CHURCH/ZAMORA PRIESTS FRONT WHICH CONVERGES WITH "CARABANCHEL TEN" CASE IN GARCIA SALVE, WHICH RESPITE WOULD BE EFFECTED BY BRINGING AILING PRIEST TO MADRID WHERE HE WOULD PRESUMABLY RECUPERATE SUFFICIENTLY FROM HIS HUNGER STRIKE TO TESTIFY AGAINST GOVERNMENT AT TRIAL; E) POSSIBLE COINCIDENTAL TIMING WITH NO SIGNIFICANCE OTHER THAN DESIRE TO BRING CASE TO TRIAL AS SOON AS GIL ROBLES' HAD EXHAUSTED ALL LEGAL DELAYING TACTICS, AND F) POSSIBILITY TIMING TO COINCIDE WITH POSSIBLE AMNESTY WHICH, IT IS RUMORED, FRANCO MAY DECREE IN HIS TRADITIONAL YEAR-END SPEECH OR IN EARLY JANUARY IN CONNECTION WITH THE 1974 HOLY YEAR DECREED BY THE POPE. MUCH WEIGHT IS GIVEN TO LATTER THEORY BY DEFENSE LAWYERS, CONFIDENTIAL

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MANY OF THESE BELIEVE THAT THE GOVERNMENT WILL, ONCE DEFENDANTS (IN ALL PROBABILITY) ARE FOUND GUILTY, COME OUT WITH STRICT 12-20 YEAR SENTENCES CALLED FOR BY THE GOVERNMENT PROSECUTOR, BUT THAT WITHIN SHORT PERIOD THEY WILL ANNOUNCE A PARTIAL AMNESTY OR PARDON, WHICH WILL HAVE THE EFFECT OF SUBSTANTIALLY REDUCING SENTENCES OF MOST PRISONERS IN SPAIN. SUCH A MOVE, IT IS BELIEVED, WOULD IMMEDIATELY BE APPLIED TO CARABANCHEL TEN, WHOSE SENTENCES MIGHT BE REDUCED IN HALF OR EVEN MORE. THIS THEN WOULD PROVIDE BALANCED SOLUTION OF APPEASING HARDLINERS WITH STIFF SENTENCES, AND MILLIFYING INTERNATIONAL AND DOMESTIC OPINION WHOSE OUTRAGE OVER SENTENCES WOULD BE MITIGATED BY IMMEDIATE REDUCTION UNDER AMNESTY. AT SAME TIME "CARABANCHEL TEN" WORKER COMMISSION LEADERS WOULD STILL REMAIN BEHIND BARS FOR SEVERAL YEARS. RIVERO

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